

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTMENT PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

12 Misc. 00115 (JSR)

ECF Case

In re:

MADOFF SECURITIES

IRVING H. PICARD, Trustee for the Liquidation of Bernard
L. Madoff Investment Securities LLC,

Plaintiff,

v.

MAXAM ABSOLUTE RETURN FUND, L.P.;
MAXAM ABSOLUTE RETURN FUND, LTD.;
MAXAM CAPITAL MANAGEMENT, LLC; MAXAM
CAPITAL GP LLC; SANDRA L. MANZKE REVOCABLE
TRUST; SANDRA L. MANZKE, as Trustee and
individually; SUZANNE HAMMOND; WALKER
MANZKE; and APRIL BUKOFSER MANZKE,

Defendants.

PERTAINS TO CASE
11 Civ. 7428 (JSR)

**NOTICE OF THE MAXAM DEFENDANTS'
MOTION FOR JUDGMENT ON THE PLEADINGS**

PLEASE TAKE NOTICE that Defendants MAXAM Absolute Return Fund LP, MAXAM Absolute Return Fund Limited, MAXAM Capital Management LLC, MAXAM Capital GP LLC, Sandra L. Manzke Revocable Trust, Sandra L. Manzke, Suzanne Hammond, Walker Manzke and April Bukofser Manzke (collectively, the “MAXAM Defendants”), by and through their undersigned counsel respectfully move this Court for an order pursuant to Federal Rule of Civil Procedure 12(c) dismissing in its entirety the Complaint filed against them by Irving H. Picard, Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, in *Picard v. MAXAM Absolute Return Fund, LP et al.*, Adv. Pro. No. 10-05342 (BRL) (Bankr. S.D.N.Y.) (filed Dec. 8, 2010), and for such other and further relief as the Court may deem just and proper.

Oral argument is not scheduled in connection with the issues that are directly addressed in this Motion, and the MAXAM Defendants have made no prior request to this Court or to any other court for the relief requested herein.

PLEASE TAKE FURTHER NOTICE that papers in opposition to the motion will be served and filed on June 15, 2012, and the reply in further support of the motion will be served and filed on June 22, 2012.

Dated: New York, New York
May 24, 2012

KOBRE & KIM LLP

/s/ Carrie A. Tendler
Jonathan D. Cogan
(jonathan.cogan@kobrekim.com)
Michael S. Kim
(michael.kim@kobrekim.com)
Carrie A. Tendler
(carrie.tendler@kobrekim.com)
800 Third Avenue
New York, New York 10022
Telephone: +1 212 488 1200
Fax: +1 212 488 1220

Attorneys for MAXAM Absolute Return Fund Limited, MAXAM Capital Management LLC, MAXAM Capital GP LLC, Sandra L. Manzke Revocable Trust, Sandra L. Manzke, Suzanne Hammond, Walker Manzke, and April Bukofser Manzke

WOLLMUTH MAHER & DEUTSCH LLP

/s/ James N. Lawlor
James N. Lawlor
(jlawlor@wmd-law.com)
One Gateway Center, Ninth Floor
Newark, New Jersey 07102
Telephone: +1 973 733 9200; Fax: +1 973 733 9292

Attorney for MAXAM Absolute Return Fund, LP

To: All Counsel of Record